

Message Text

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51

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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FM AMEMBASSY THE HAGUE

TO SECSTATE WASHDC IMMEDIATE 4746

LIMITED OFFICIAL USE THE HAGUE 5641

E.O. 11652: N/A

TAGS: EAIR, NL

SUBJECT: CIVAIR--CAB ORDER RE KLM SCHEDULES

REFS: (A) STATE 255857

(B) THE HAGUE 5635

1. EMBASSY APPRISED MINISTER OF TRANSPORTATION WESTERTEPP MORNING OF NOV 21 OF DETAILS OF CAB NOV 20 ORDER NO. 74-11-83, INCLUDING RATIONAL AND PURPOSE OF ORDER AS SPELLED OUT IN REF A. DCM EXPLAINED THAT THIS ORDER IS FIRST STEP IN PROVISION 213 PROCESS, BUT THAT IT WILL NOT RPT NOT NECESSARILY LEAD TO A UNILATERAL DECISION BY THE BOARD TO REDUCE KLM'S SERVICE ACROSS THE NORTH ATLANTIC. SUCH A STEP, WESTERTEPP WAS TOLD, WILL DEPEND ON CAB'S DETERMINATION, AFTER REVIEW OF KLM SCHEDULES, WHETHER OPERATION OF SUCH SERVICE MAY BE CONTRARY TO APPLICABLE LAW OR MAY ADVERSELY AFFECT THE PUBLIC INTEREST.

2. AFTER SATISFYING HIMSELF THAT HE HAD FULLY UNDERSTOOD THE PURPORT AND SCOPE OF THE BOARD'S ORDER, WESTERTEPP RECALLED HIS STATEMENT TO THE EMBASSY TWO DAYS EARLIER (REF B) THAT THE GON WOULD IMMEDIATELY REQUEST ARBITRATION UNDER ARTICLE 13 OF THE BILATERAL TREATY AT SUCH TIME AS THE US ACTED UNILATERALLY AGAINST KLM. WESTERTEPP QUESTIONED WHETHER THE BOARD'S ORDER OF LIMITED OFFICIAL USE

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YESTERDAY CONSTITUTED SUCH UNILATERAL ACTION. DCM

REITERATED THAT THE ORDER WAS THE FIRST STEP IN THE 213
PROCESS, THE OUTCOME OF WHICH WAS NOT KNOWN TO THE EMBASSY
AT THIS TIME. WESTERTERP DECLARED THAT HE COULD NOT
AFFORD TO BE IN THE POSITION OF BEING CAUGHT SHORT. HE
THEREFORE ASKED FOR THE DEPARTMENT'S VIEW ON WHETHER
THE BOARD'S NOV 20 ORDER OF ITSELF CONSTITUTED UNILATERAL
IRREVOCABLE ACTION BY THE US.

3. COMMENT: NEITHER THE TENOR NOR TONE OF WESTERTERP'S
REMARKS REFLECTED AN ITCHINESS TO PULL THE ARBITRATION
TRIGGER. AT THE SAME TIME WESTERTERP EMPHATICALLY DOES
NOT WANT TO BE CRITICIZED FOR HAVING WAITED TOO LONG TO
REQUEST ARBITRATION IF THAT APPEARS TO THE GON TO BE ITS
ONLY RECOURSE. IT WOULD APPEAR TO BE IN OUR
INTEREST TO GIVE WESTERTERP A PROMPT REPLY TO HIS QUESTION
SO AS TO FORESTALL ANY UNTIMELY AND PERHAPS UNNECESSARY
ACTION BY THE GON.
GOULD

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